

**Remarks/Arguments:**

Claims 1-21, 23-152, and 154-156 are presently pending, with claims 2, 3, 6-14, 16, 17, 19-21, 25-51, 53, 55-65, 67-81, 83-87, 89-113, 115-131, 133, 134, 139-145, 147, 148, 150, and 151 withdrawn from consideration. Applicant herein amends claims 1 and 132. Support for the claim amendments can be found throughout the application as originally filed. For example, see the application at page 98, lines 4-10. No new matter is added. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

**Claims Rejections Under 35 U.S.C. § 103**

In Section 5, the Office Action recites that "[c]laims 1, 4, 5, 15, 23, 24, 54, 66, 82, 88, 114, 132, 135-138, 146, 152, and 154 [are] rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry et al. (European Patent Application EP 0,986,033 A2 ... referred to hereafter as McGarry) in view of Howell et al. (U.S. Patent 6,462,644 hereafter Howell) and (Editor & Publisher Vol. 126, Iss. 24 Page 62 hereafter E&P)." Applicant respectfully traverses this rejection. While not conceding the rejection, Applicant here amends claims 1 and 132 in order to advance prosecution.

Claim 1, as amended, is directed to a semiconductor including:

a memory;

a vending equipment interface for connecting the semiconductor to a vending machine;

an interactive interface for connecting the semiconductor to a computing platform; and

a microprocessing unit interconnected with the vending equipment interface, the interactive interface, and the memory that constructs and manages a vending machine transaction string in the memory, the vending machine transaction string comprising data fields, the microprocessing unit configured to update the data fields to record vending machine transactions received through the vending equipment interface, the microprocessing unit configurable in at least two different configurations responsive to commands received from the computing platform via the interactive interface, the at least two different configurations including a first configuration in which vending machine transaction data is automatically

communicated to the computing platform responsive to the microprocessing unit updating the data fields of the vending machine transaction string and a second configuration in which the vending machine transaction data is communicated to the computing platform responsive to the computing platform requesting the vending machine transaction data.

This means that a microprocessing unit constructs and manages a vending machine transaction string in the memory. The microprocessing unit is configurable in at least two different configurations responsive to commands received from a computing platform. In the first configuration, vending machine transaction data is automatically communicated to the computing platform responsive to the microprocessing unit updating the data fields of the vending machine transaction string. In the second configuration, vending machine transaction data is communicated to the computer platform responsive to the computing platform requesting the vending machine transaction data.

Applicant respectfully submits that McGarry in view of Howell and E&P fails to disclose, teach, or suggest all of the features of claim 1. McGarry is directed to a configurable vending machine audit module. McGarry discloses a remote host for providing commands to an audit module connected to a vending machine. Specifically, McGarry further discloses:

The audit module can be configured by a remote host 34, such as a personal computer or a hand-held module, to store data obtained from the vending machine. The audit module 30 can report the contents of its databases to the host 34 upon request or at previously scheduled times.

See McGarry at paragraph [0021].

Applicant interprets the Office Action as indicating that the audit module of McGarry corresponds to the microprocessing unit of claim 1 and that the remote host of McGarry corresponds to the computer platform of claim 1. Applicant respectfully submits that while McGarry discloses the audit module being configured to send vending machine data to the remote host responsive to requests from the remote host, McGarry fails to disclose the audit module being configured to automatically send the vending machine data to the remote host responsive to the audit module updating the vending machine data, in accordance with the first configuration of claim 1. McGarry solely discloses that the audit module may report the contents of its databases either upon request or at previously scheduled times. See McGarry at paragraph [0021].

McGarry further fails to disclose the audit module being configured to update the vending machine data. McGarry solely discloses that the audit module is configured to store vending machine data received from the vending machine. Notably, McGarry fails to disclose, teach, or suggest the audit module being configured to transmit vending machine data to the remote host responsive to receiving that data from the vending machine. See e.g. McGarry at paragraph [0024]. Accordingly, Applicant respectfully submits that McGarry fails to disclose, teach, or suggest a "microprocessing unit configurable in at least two different configurations ... including a first configuration in which vending machine transaction data is automatically communicated to the computing platform responsive to the microprocessing unit updating the data fields of the vending machine transaction string," as recited in independent claim 1.

Applicant further respectfully submits that the additions of Howell and E&P fail to make up for the deficiencies of McGarry. Howell is directed to a network of vending machines connected interactively to a database building host. E&P concerns a newspaper vending rack. Neither Howell nor E&P discloses, teaches, or suggests a microprocessing unit configurable in two configurations. Further, Applicant respectfully submits that neither Howell nor E&P discloses, teach, or suggests a microprocessing unit configured to automatically communicate vending machine data to a computing platform responsive to the microprocessing unit updating the data fields. Accordingly, Applicant respectfully submits McGarry in view of Howell and E&P fails to disclose, teach, or suggest a "microprocessing unit configurable in at least two different configurations ... including a first configuration in which vending machine transaction data is automatically communicated to the computing platform responsive to the microprocessing unit updating the data fields of the vending machine transaction string," as recited in independent claim 1. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claim 132, while not identical to claim 1, includes the allowable features discussed above with respect to claim 1. According, claim 132 is allowable for the reasons discussed above with respect to claim 1. Therefore, Applicant respectfully requests that the rejection of claim 132 be withdrawn.

Claims 4, 5, 15, 23, 24, 54, 66, 82, 88, 114, 135-138, 146, 152, and 154 each depend, either directly or indirectly, from one of claims 1 and 132. Accordingly, claims 4, 5, 15, 23, 24, 54, 66, 82, 88, 114, 135-138, 146, 152, and 154 are allowable for at least the reasons discussed above with respect to claims 1 and 132. Therefore, Applicant respectfully requests

that the rejection of claims 4, 5, 15, 23, 24, 54, 66, 82, 88, 114, 135-138, 146, 152, and 154 be withdrawn.

In Section 6, the Office Action recites that "[c]laims 18 and 149 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry in view of Howell, E&P, and Squires (U.S. Patent 7,032,038). Applicant respectfully traverses this rejection.

Claim 18 incorporates all of the features of independent claim 1, from which it depends. As discussed above, Applicant respectfully submits that McGarry in view of Howell and E&P fails to disclose, teach, or suggest all of the features of claim 1. Applicant respectfully submits that the addition of Squires fails to make up for the deficiencies of McGarry, Howell, and E&P with respect to claim 1.

Squires is directed to configurable peripheral devices. Squires fails to disclose, teach, or suggest a peripheral device configured to automatically communicate vending machine data to a computing platform responsive to updating the data fields. Accordingly, Applicant respectfully submits that McGarry in view of Howell, E&P, and Squires fails to disclose, teach, or suggest a "microprocessing unit configurable in at least two different configurations ... including a first configuration in which vending machine transaction data is automatically communicated to the computing platform responsive to the microprocessing unit updating the data fields of the vending machine transaction string," as recited in independent claim 1 and incorporated into claim 18. Therefore, Applicant respectfully requests that the rejection of claim 18 be withdrawn.

Claim 149 incorporates all of the features of independent claim 132, from which it depends. Claim 132 includes the allowable features discussed above with respect to claims 1 and 18. Accordingly, Claim 149 is allowable for at least the reasons discussed above with respect to claims 1 and 18. Therefore, Applicant respectfully requests that the rejection of claim 149 be withdrawn.

In Section 7, the Office Action recites that "[c]laim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry in view of Howell, E&P, and Miller et al. (U.S. Patent 5,959,869). Applicant respectfully traverses this rejection.

Claim 52 incorporates all of the features of independent claim 1, from which it depends. As discussed above, Applicant respectfully submits that McGarry in view of Howell and E&P fails

to disclose, teach, or suggest all of the features of claim 1. Applicant respectfully submits that the addition of Miller fails to make up for the deficiencies of McGarry, Howell, and E&P with respect to claim 1.

Miller is directed to a vending machine controller and system. Miller discloses a vending machine controller that can support vending price changes from a remote host. Specifically, Miller discloses a programmable processor 201 for a vending machine which is configured to respond to instructions issued by a remote host through port arbitrator 234. See *e.g.* Miller at column 10, lines 45-55. Miller, however, fails to disclose, teach, or suggest programmable processor 201 configurable in at least two configurations. Miller further fails to disclose, teach, or suggest a configuration wherein programmable processor 201 transmits vending machine data to the remote host responsive to programmable processor 201 updating the data. Accordingly, Applicant respectfully submits that McGarry in view of Howell, E&P, and Miller fails to disclose, teach, or suggest a "microprocessing unit configurable in at least two different configurations ... including a first configuration in which vending machine transaction data is automatically communicated to the computing platform responsive to the microprocessing unit updating the data fields of the vending machine transaction string," as recited in independent claim 1 and incorporated into claim 52. Therefore, Applicant respectfully requests that the rejection of claim 52 be withdrawn.

In Section 8, the Office Action recites that "[c]laims 155 and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry in view of Howell, E&P and Official Notice." Applicant traverses this rejection.

Claims 155 and 156 incorporate all of the features of independent claim 1, from which they depend. As discussed above, Applicant respectfully submits that McGarry in view of Howell and E&P fails to disclose, teach, or suggest all of the features of claim 1. Applicant respectfully submits that Examiner's Official Notice fails to make up for the deficiencies of McGarry, Howell, and E&P with respect to claim 1.

Applicant further respectfully submits that Examiner's Official Notice is insufficient with respect to claim 156. Claim 156 depends directly from independent claim 1, and further includes the features of:

a first timer configured to set a message response time period for the semiconductor to wait from a time a message is received via

the vending equipment interface to a time a response message is sent via the vending equipment interface; and

a second timer configured to set an inter-byte interval between data bytes of messages sent from the semiconductor via the vending machine interface;

wherein the semiconductor incrementally adjusts at least one of:  
(1) the message response time period; or (2) the inter-byte interval.

This means the semiconductor includes a first timer configured to set a message response time period and a second timer configured to set an inter-byte interval between data bytes of messages. The semiconductor incrementally adjusts at least one of the message response time period or the inter-byte interval.

"Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances.... [T]hese circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113." See MPEP § 2144.03(A). "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

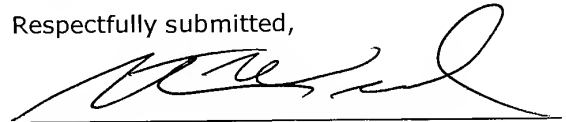
Notably, Examiner's Official Notice lacks any citation to prior art references where the facts asserted by Examiner are asserted to be well known. Examiner's Official Notice recites that "the protocol described is asynchronous communication standard on serial communication lines such as from a mouse or keyboard...." However, Examiner fails to note how the first and second timers disclosed by claim 156 correspond to asynchronous communication. Further, Examiner's Official Notice recites that "[t]he setting of the first timer is the equivalent of setting a baud rate with the second time being the equivalent of setting a buffer size." Applicant respectfully submits that Examiner's Official Notice fails to describe how setting a message response period for a semiconductor using a first timer corresponds to setting a baud, or symbols (or bits) per second, rate. Finally, Examiner's Official Notice fails to describe a semiconductor, as set forth in claim 1, configured to incrementally adjust a message response time period or an inter-byte time period. Accordingly, Applicant respectfully submits that Examiner's Official Notice is insufficient with respect to claim 156. Applicant further respectfully submits that McGarry in view of Howell, E&P, and Official Notice fails to disclose, teach, or

suggest at least the features of claim 156. Therefore, for the reasons discussed above, Applicant respectfully requests that the rejection of claims 155 and 156 be withdrawn.

**Conclusion**

In view of the above amendments and remarks, Applicant submits the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



Stephen J. Weed, Reg. No. 45,202  
Attorney for Applicant

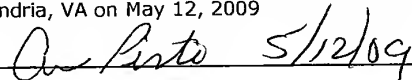
SJW/AJK/ap  
Dated: May 12, 2009

☒ P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

☐ P.O. Box 1596  
Wilmington, DE 19899  
(302) 778-2500

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I hereby certify that this correspondence is being electronically transmitted to: Commissioner for Patents, Alexandria, VA on May 12, 2009

 5/12/09